

REMARKS

Applicant requests reconsideration and allowance of the subject patent application in light of the changes above and the remarks that follow.¹ By this Amendment, Applicant has amended claim 15 and cancelled claim 16. Upon entry of this Amendment, claims 2-15 & 17-22 will be pending. Claims 2-15, 17-20 & 22 stand rejected. Applicant greatly appreciates the Examiner's indication that claim 21 is allowable.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 2-15, 17-20 & 22 in condition for allowance. The Amendment merely cancels claims and complies with requirements set forth in the previous Office Action. (See 37 C.F.R. § 1.116(b)(1).) In addition, Applicant submits that the changes made in claim 15 do not raise new issues or necessitate the undertaking of any additional search of the art since all the features were earlier claimed and examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Examiner Interview on May 13, 2009

Applicant's representative appreciates the opportunity provided by Examiner Hillary to meet with him and discuss the application on May 13, 2009. Applicant's representative concurs with the substance of the Interview set forth in the Examiner's Interview Summary dated May 13, 2009.

Specification

The Office Action objected to the specification for allegedly failing to satisfy 37 C.F.R. § 1.75(d)(1) that the "computer readable medium" and "computer program product" recited in claims 15 and 16 are not adequately described in the specification. Specifically, the Office Action asserts that these terms are only used in the specification once and this usage is insufficient to allow the meanings of the terms to be ascertained.

¹ The Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations should not be construed as acceptance of them.

Claim 16 has been cancelled. Thus, the objection to the specification with regard to claim 16 is moot.

Claim 15 has been amended to obviate the Examiner's objection. Claim 15 now recites, *inter alia*, "A computer-readable data recording device encoded with a program." Support for this recitation may be found in Applicant's disclosure at the following locations, for example: page 13, lines 7-8; page 15, lines 1-5; page 18, lines 27-31; page 33, lines 8-31; Fig. 1: 110, 113; and Fig. 2: 110, 113.

In addition, Applicant notes that "A patent specification need not teach, and preferably omits, what is well known in the art." (M.P.E.P. § 2182, *citing Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986).) Given that the specification discloses "computers" and that it is well known for computers to include such computer-readable data recording devices, such as ROM and magnetic disks, Applicant respectfully submits that the claimed "computer-readable data recording devices," are implicitly supported in Applicant's disclosure as well.

In light of the change made to claim 15 and the reasons set forth above, withdrawal of the objection to the specification is respectfully requested.

Rejection of Claims 2-15 & 17-22 Under 35 U.S.C. § 102

Applicant traverses the rejection of claim 22 under Section 102(b) as allegedly being anticipated by U.S. Patent Publication No. 2002/0070953 to *Barg et al.* ("*Barg*"). *Barg* cannot support a rejection of claim 22 under Section 102(b) because the reference does not disclose, at least, the following features of claim 22:

if the determined metadata includes a dimension, selecting a second data item that is a measure, and creating an association between said first and second data items in the metadata of said first data item;

if the determined metadata includes a measure, selecting a second data item that is a dimension, and creating an association between said first and second data items in the metadata of said first data item;

Barg provides a system that “link[s] predetermined sets of dimensions, measures and views to predetermined workflow control entries and report selection entries in a tree structure having labels on the branches and leaves that are logically related to the associated predetermined sets.” (*Barg*, Abstract, emphasis added; *see also*, ¶¶ 0156, 0164, 0188.) Because *Barg* uses “predetermined sets of measures and dimensions,” it cannot be considered to teach or suggest “selecting a second data item” and, “creating an association between [] first and second data items,” as recited in claim 22. (Emphasis added.)

The Office Action cites paragraphs 0124, 0125 & 0169 for allegedly disclosing the above-identified features. However, the cited paragraphs say nothing in regard to “creating an association,” as recited in claim 22. Because *Barg* does not disclose “creating an association,” the reference cannot be considered to anticipate the above-identified features of claim 22.

In addition, Claim 22 recites:

... [a] graphical element that is bound to a first data item having associated metadata, wherein said metadata comprises at least one of a measure representing an amount, a dimension along which measures can be arrayed, and a value for a dimension;
... determining the metadata associated with the first data item to which the graphical element is bound;
if the determined metadata includes a dimension, selecting a second data item that is a measure ... [and]
if the determined metadata includes a measure, selecting a second data item that is a dimension ...

Barg also does not disclose these features of claim 22.

The Office Action points to paragraphs 0124, 0125 & 0169 for their purported disclosure of the claim features above. However, the cited paragraphs say nothing with regard to “metadata.” Further, the claimed “metadata” is not disclosed elsewhere in *Barg*.

Based on the Examiner Interview, it appears the Examiner believes that the claimed “metadata” is, at least, implicit in *Barg*. Applicant respectfully disagrees. To any extent that

some metadata might be implicitly disclosed by the reference, which Applicant does not concede, *Barg* says nothing, implicitly or otherwise, as to the “determining the metadata associated with the first data item to which the graphical element is bound” and “if the determined metadata includes a dimension, selecting a second data item that is a measure” and “if the determined metadata includes a measure, selecting a second data item that is a dimension,” as recited in claim 22. In other words, *Barg* does not disclose conditionally “selecting a second data item” based on “determining the metadata associated with the first data item.” Accordingly, *Barg* also cannot be considered to anticipate the above-noted features of claim 22.

Moreover, as already set forth above, *Barg* fails to disclose a “created association.” Thus, *Barg* also cannot disclose “searching a memory containing stored associations to identify a stored association that most closely matches the created association,” as recited in claim 22. (Emphasis added.) The Examiner cites passage *Barg*’s paragraph 0190 for purportedly disclosing the “searching” feature. On the contrary, this paragraph discloses that “each dimension in the textual data view is sortable, selectable and searchable.” There is no disclosure anywhere in the cited passage or elsewhere in *Barg* that a memory is searched “to identify stored associations most closely matched to the created association.” Indeed, as noted above, *Barg* simply displays user-selectable reports corresponding to “predetermined sets of dimensions, measures and views.” (*Barg*, Abstract, emphasis added; *see also*, ¶¶ 0156, 0164, 0188.) As such, *Barg* also cannot be considered to anticipate the “searching ... stored associations to identify a stored association that most closely matches the created association,” recited in claim 22.

Furthermore, because *Barg* does not disclose “identif[ing] a stored association that most closely matches the created association,” the reference also cannot be considered to anticipate “obtaining presentation properties that pertain to the identified stored association” and “displaying a second data report in which the obtained presentation properties are applied

to second data items that are specified in the identified stored association,” as recited in claim 22. (Emphasis added.)

Since *Barg* does not anticipate the features of claim 22 discussed above, *Barg* cannot support a rejection of claim 22 under 35 U.S.C. § 102(b). (*See* M.P.E.P. § 2131.) Claim 22 is, therefore, allowable over *Barg*. If any subsequent Office Action relies on *Barg* to purportedly teach the above-identified features of claim 22, Applicant respectfully requests that the Examiner particularly point out where these alleged teachings may be found in *Barg* and explain how the teachings are considered to correspond to the claim features.

Independent claims 15 & 17, although of different scope than claim 22, recite features similar to claim 22. Thus, claims 15 & 17 are allowable over *Barg* for similar reasons to those set forth above with regard to claim 22.

Claims 2-14 & 18-20 are also allowable at least due to their corresponding dependence from claims 17 & 22.

Conclusion

If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

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